

**REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

**Status of the Claims**

Claims 13, 18, 20 and 23 are pending in this application, and stand rejected. By this amendment, claims 13 and 20 are amended. New claims 24-27 are added. No new matter has been added by this amendment.

**Rejection under 35 U.S.C. §102**

Claims 13, 18, 20 and 23 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by JP 11084212 A to Fujimoto, et al. (hereafter, "Fujimoto"). The Examiner indicates that he provides and refers to the PAJ online translation of Fujimoto in this Office Action.

Claim 13 has been amended for further clarification and recites:

13 (*Currently Amended*): An operation apparatus which is used for operating a zoom lens, comprising:

- a zooming switch operated to perform a zooming operation of the zoom lens;
- a first function switch configured to be allocated with each one of a plurality of functions selectively;
- an operation switch operated to allocate the one of the plurality of functions to the first function switch thereby enabling the first function switch for enabling performance of the function allocated to the first function switch in response to an operation of the first function switch; and
- a display member which displays information on the function allocated to the first function switch.

In an aspect of the operation apparatus recited in amended claim 13, the operation switch 10-1 (as shown in, e.g., Fig. 1) allocates one of the functions (e.g., a preset function) to the first function switch 6 configured to be allocated with each one of a plurality of functions (i.e., multiple functions). The operation apparatus of amended claim 13 also includes a display member 9-1 that displays the function information allocated to the first function switch. Fig. 3 of

the application illustrates an exemplary display. Support for the amendment may be found, e.g., at paragraphs [0044] through [0051] of the corresponding published application (i.e., U.S. Pub. No. 2004/0189848 A1).

With the features of invention of claim 13 as amended, a user can easily assign a temporary function (e.g., a preset function) to the first function switch, and a different user can easily recognize the temporary assigned function to the first function switch since the assigned temporary function is indicated on the display.

In *Response to the Arguments* section, the Examiner indicates, *inter alia*, that:

In response to applicant's argument the examiner points that the various speeds as shown in figures 5 and 10 can be considered as various functions as claimed by the applicant in the pending claims; to overcome this broad interpretation the applicant should amend the claims accordingly.

Applicants note that Fig. 5 of Fujimoto shows a display screen which sets up zoom speed on the indicator 8, and Fig. 10 is a perspective view of the imaging device. See, e.g., paragraphs [0028] and [0042] of Fujimoto. Each of Figs. 5 and 10 is reproduced below.

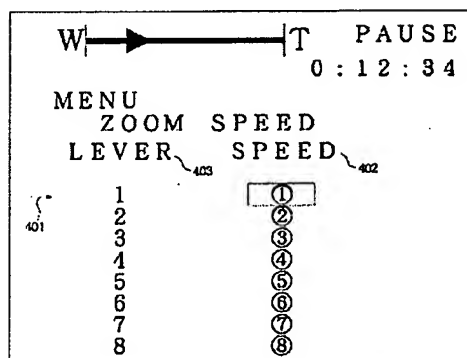


Fig. 5

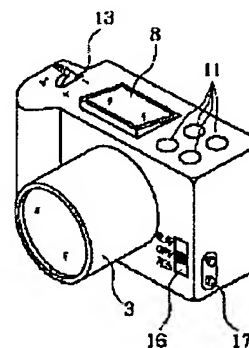


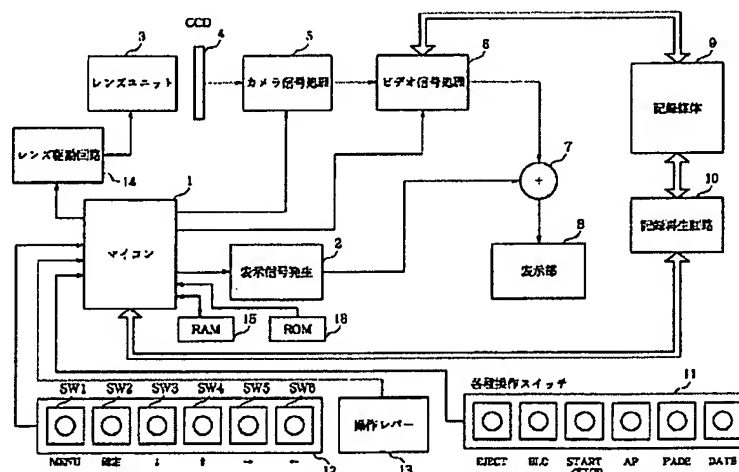
Fig. 10

In particular, it is indicated in paragraph [0028] that the item 403 shows the movement magnitude from the stop position of the control lever 13, and the item 402 shows the velocity level corresponding to each of the movement magnitude 403. It appears that once a movement magnitude is determined by the lever 13 ranges from 1-8, a corresponding velocity level is

indicated by, e.g., the cursor 401. Another portion of Fujimoto (e.g., paragraphs [0030] through [0037]) explains how the corresponding velocity is indicated by the cursor 401 depending on the movement magnitude.

As Applicants understand it, however, there is nothing in Fujimoto that discloses the inventive aspects of amended claim 13 discussed above including, *inter alia*, the first function switch and operation switch as claimed. The fact that the various speeds displayed in the screen as in Fig. 5 doesn't necessarily mean that Fujimoto discloses the inventive aspect of claim 13 discussed above. For example, if the lever 13 of Fujimoto is interpreted as the operation switch of amended claim 13 which seems to be the Examiner's position, there is no first function switch that can be assigned with one of the speeds by the lever.

Referring to Fig. 1 of Fujimoto as shown below, each of the switch 11 including the EJECT, BLC, START/STOP, AF, FADE, DATE, and switch 12 including SW1-SW6 is a fixed switch, i.e., already assigned with a fixed function. In other words, Fujimoto fails to show or suggest the first function switch of amended claim 13 configured to be allocated with each one of a plurality of functions selectively.



Accordingly, claim 1 as amended is believed neither anticipated by nor rendered obvious in view of Fujimoto for at least the reasons discussed above.

Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Also, Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

#### New Claims

New claims 24-27 have been added to recite the claimed invention in an alternative manner.

One of the aspects of the invention as featured in claims 24 and 25 is that, as shown in FIG. 1, the zooming switch (3), the first function switch (6) and the operation switch (10-1) are separate switches, which makes it possible to reduce user's operation errors of the switches.

In contrast, Fujimoto discloses an apparatus in which a zooming switch and a first function switch are provided as a same switch (item 13. Applicants note that there is nothing in Fujimoto that addresses the similar problem of reducing the operation errors of the switches by a user.

One of the aspects of the invention as featured in claims 26 and 27 is that, as shown in FIGS. 3 and 5, the operation switch is operated to selectively allocate one of a plurality of

functions (e.g., "Preset" and "Shuttle" in FIG. 3) to the first function switch and to set the first function switch so as to be allocated with no function ("OFF" in FIG 5). In other words, setting can be made such that no function is performed in response to an operation of the first function switch.

Applicants note that, in Fujimoto, since the first function switch and the zooming switch are provided as a same switch as described above, an operation of the first function switch (zooming switch) always causes a zooming operation to perform. That is, it is impossible to set the first function switch so as to be allocated with no function in Fujimoto.

In view of the above, each of new claims 24-27 is patentable over the reference cited by the Examiner (i.e., Fujimoto) for at least the reasons discussed above.

Applicants believe that the application as amended including the new claims is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

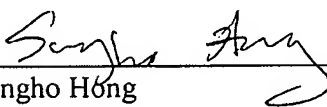
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5343). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: January 20, 2009

By:

  
Sungho Hong  
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 (Telephone)  
(212) 415-8701 (Facsimile)

**AUTHORIZATION**

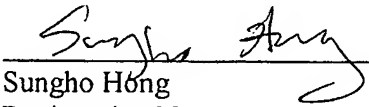
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5343). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: January 20, 2009

By: \_\_\_\_\_

  
Sungho Hong  
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 (Telephone)  
(212) 415-8701 (Facsimile)